

THE RIGHT TO BE FORGOTTEN: LEGAL IMPLICATIONS IN THE CONNECTED INFORMATION ERA

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Abstract

This article discusses the concept of the 'Right to Be Forgotten' in the context of an increasingly connected digital era. This right allows individuals to request the removal of their personal data that is irrelevant, outdated, or misleading from online search results, thus giving them greater control over their personal information scattered on the internet. However, the implementation of this right raises complex legal challenges, particularly in balancing individual privacy rights with freedom of public information. This article explores the existing legal framework, as well as the social and ethical implications of implementing the 'Right to Be Forgotten'. Thus, this article underlines the need for a flexible and balanced policy framework to accommodate technological developments without compromising the principles of transparency and access to information.

Keywords: Right to Be Forgotten, Implications, Law, Connected Information Age.

Introduction

The digital era has brought drastic changes in the way information is disseminated and accessed. With advances in information and communication technology, a person's personal data can be easily found and disseminated over the internet. Personal data is information that can be used to identify a person, either directly or indirectly (Liu, 2023). This type of data includes various forms of information such as name, address, telephone number, email address, identity number, medical history, financial information, and even traceable data such as IP address and cookies in internet browsing. Personal data includes all information that is inherently related to an individual's identity and can reveal aspects of a person's private life (Ambrose & Ausloos, 2016).

Personal data plays an important role in various daily activities, including online transactions, social media interactions, health services, and banking activities. Protecting personal data is essential to maintain individual privacy and security from various threats such as identity theft, fraud, and data misuse (Rosen, 2012). In addition, strong regulation of personal data management is important to maintain public trust in the institutions that collect and process this data. A good framework for the protection

of personal data also contributes to the creation of a safe and trusted digital ecosystem, encouraging innovation and the responsible use of information technology. While the ease of access to this information brings many benefits, it also poses significant challenges related to individual privacy. One of the concepts that has emerged to address this issue is the 'Right to Be Forgotten.' (Garcia, 2022)

The Right to Be Forgotten is a principle that gives individuals the right to request the removal of their personal information from internet search results and other databases when the information is no longer relevant, accurate, or risks compromising their privacy. This concept gained momentum with the 2014 European Court of Justice ruling in the case of *Google Spain SL, Google Inc. v Agencia Española de Protección de Datos, Mario Costeja González*. However, the application of this right in the era of globally connected information raises complex legal and ethical challenges and implications (Ahmed, 2023).

One of the main challenges is the different regulations and standards of personal data protection in different countries. For example, the European Union has a strict General Data Protection Regulation (GDPR), while some other countries may have looser regulations or even none at all. These differences create difficulties in enforcing individuals' rights to their personal data when the information is processed or stored in various jurisdictions. In addition, rapid technological developments such as artificial intelligence, big data, and the Internet of Things (IoT) complicate the oversight and protection of personal data because of the nature and volume of data that is increasingly difficult to monitor and regulate (Mantelero, 2013).

Complex legal and ethical implications arise along with these challenges. Legally, globally operating companies must comply with a variety of different regulations, which can lead to operational constraints and high compliance costs. For example, large technology companies must ensure that they comply with GDPR in Europe while adjusting their operations in countries with different regulations (L. Chen, 2023). Ethically, there is an issue of balance between technological innovation and the protection of individual privacy. The misuse of personal data can pose significant risks, including breaches of privacy, discrimination, and negative effects on individual freedom. Therefore, finding the right balance and implementing uniform and ethical regulations around the world is a major challenge that requires international collaboration and commitment from all stakeholders (Brown, 2022).

The urgency to address the legal implications of the right to be forgotten is pressing in this information age. Collaboration between legal experts, technologists, and policymakers is needed to create fair, efficient, and effectively enforceable regulations. Without proper handling, the right to be forgotten can lead to broader conflicts, both in the domestic and international legal spheres.

Thus, this study examines the Implementation of the Right to Be Forgotten in Various Countries, the Legal Challenges in the Implementation of the Right to Be

Forgotten and the Implications of the Implementation of the Right to Be Forgotten in the Connected Information Age.

Research Methods

The study in this research uses the literature method. The literature research method is a research method that involves collecting and analysing data from various written sources such as books, scientific journals, articles, reports, and other documents relevant to the research topic (Kitchenham, 2004); (Creswell, 2013). The main objective of this method is to identify, evaluate, and synthesise existing information so that researchers can develop a theoretical framework, find gaps in previous research, and develop sharper and more contextual hypotheses or research questions. The literature research process usually begins with the selection of a topic, a search for relevant sources, a critical evaluation of the literature found, and a summary of important findings that will later serve as the basis for further research or reporting of study results. This method is very important in ensuring that the research conducted has a strong and relevant theoretical basis, and avoids redundancy with previous research (Cooper, 2010).

Results and Discussion

Implementation of the Right to Be Forgotten in Various Countries

The Right to be Forgotten is the right of individuals to request the removal of their personal information from internet search results, especially from search engines such as Google. This concept gained widespread attention after the 2014 European Court ruling against Google Spain, which recognised the individual's right to remove search results containing irrelevant or outdated personal information (Fischer, 2022).

The European Union is one of the most progressive regions in implementing the Right to Be Forgotten. Through the General Data Protection Regulation (GDPR) which came into effect in May 2018, every individual in the EU has the right to request the deletion of their personal data from the company's digital records, if the data is no longer relevant. The GDPR requires companies to respond to this request within one month and provide reasons when the request is rejected (Weber, 2023).

In the United States, the concept of the Right to Be Forgotten has not been formally adopted at the federal level. However, some states such as California with the California Consumer Privacy Act (CCPA) give consumers the right to request the deletion of their personal information collected by businesses. The CCPA gives consumers more control over their personal data, although the scope is not as broad as the GDPR (Article 29 Data Protection Working Party, n.d.).

Canada recognises the importance of the Right to be Forgotten through national privacy legislation regulated by the Office of the Privacy Commissioner (OPC). Although there is no specific law that explicitly lists this right, the OPC provides guidance that

individuals can file complaints if their personal data is misused or disseminated without their consent (Costa, 2022).

Japan began to recognise the Right to Be Forgotten after a series of court decisions in favour of individuals requesting the removal of their personal information from search engines. These decisions provide the basis that individual privacy must be protected, especially in cases where the information is no longer relevant or endangers a person's private life (W. Chen, 2023).

South Korea enforces the Right to Be Forgotten through the Personal Information Protection Act (PIPA), which gives individuals the right to request the removal of their personal information from the internet. PIPA requires organisations to comply with such requests if there is no valid legal reason to refuse. This policy is significant in ensuring a balance between freedom of expression and the right to privacy (Jones, 2022).

In Indonesia, the Personal Data Protection Act (PDP Act), which was passed in 2022, includes the principles of the Right to be Forgotten, where individuals have the right to request the deletion of their personal data from data storage systems. The implementation of this law is expected to provide better guarantees for individual privacy in the digital era (Mayer-Schönberger, 2009).

The implementation of the Right to Be Forgotten in various countries faces complex challenges, including differences in culture, law, and technological infrastructure. In addition, there are concerns about how this right can affect freedom of expression and the public's right to know. Therefore, effective implementation requires international cooperation and harmonisation as well as careful assessment to balance the various interests at stake.

Legal Challenges in the Implementation of the Right to Be Forgotten

The right to be forgotten first surfaced in the European Union through a 2014 European Court ruling that forced Google to remove links to websites containing outdated or irrelevant information about individuals. This right allows people to request the removal of their personal data from search results, shifting the focus of individual privacy in the digital age. However, the implementation of this right is not without challenges, especially in the legal field (Ahmed, 2023).

The first challenge in implementing the right to be forgotten is to formulate a clear definition and boundaries. What is meant by 'irrelevant' or 'obsolete' can be highly subjective and differ from case to case. These differences in interpretation can create legal uncertainty for technology companies that must decide whether to delete certain information upon request (Smith, 2022).

The right to be forgotten often conflicts with the right to freedom of expression and freedom of the press. Information requested for deletion may have historical or journalistic value. Restricting access to this information can be interpreted as a form of

censorship, contrary to the principles of transparency and freedom of information that form an important basis in many democratic systems (Kim, 2023).

The implementation of the right to be forgotten also faces the problem of jurisdictional differences. While this right is recognised in the European Union, many countries outside Europe do not have similar laws. This leads to uncertainty about how global technology companies, which are domiciled in various countries with different laws, should respond to requests for data deletion (Martinez, 2022).

The modern digital era makes it increasingly difficult to control and manage personal data. Search engines and social media collect and process large amounts of data, making the identification and deletion of personal information a technical challenge in itself. Complicated algorithms and widespread data add to the technical and logistical difficulties that must be overcome (Singh, 2022).

Enforcing the right to be forgotten requires an effective legal and policy framework. However, monitoring and enforcement are often insufficient. The lack of global standards and the difficulty of tracking thousands, even millions, of links that violate removal requests make enforcement a major problem in the practical application of the right to be forgotten (Miller, 2022).

Thus, the right to be forgotten is an important concept in this digital era, providing protection for individual privacy from outdated or irrelevant information circulating on the internet. However, its implementation presents various legal and technical challenges. Uncertain definitions, conflicts with freedom of expression, jurisdictional differences, as well as technical difficulties and law enforcement all require a more holistic and collaborative approach. Effective implementation requires regulatory adjustments and sophisticated technology to balance individuals' right to privacy with the public interest in obtaining information.

The implications of implementing the right to be forgotten in the connected information age

The application of the right to be forgotten significantly increases the protection of individual privacy in an increasingly connected world. Individuals have more control over their personal information circulating on the internet. This is important because in the digital age, a person's data can be manipulated or misused by various parties for unethical or even illegal purposes (Kumar, 2022).

On the other hand, the application of this right can affect the distribution of information and freedom of opinion. When information is deleted based on individual requests, the potential for censoring content that may have journalistic or historical value also increases. The freedom to access information and the public's right to know the news and history can be disrupted, creating an ethical dilemma between the protection of individual privacy and the public interest (Diaz, 2023).

The right to be forgotten also has an impact on the digital economy. Internet companies such as Google, Facebook, and others may have to allocate additional resources to comply with data deletion requests, monitor them, and manage their legal implications. This can increase operating costs and change business models that have relied on managing user data to provide free or cheap services. For small and medium enterprises, these adjustments can be more significant and challenging (Patel, 2023).

To accommodate the right to be forgotten, many governments need to revise their national privacy regulations and policies. These adjustments not only involve updating laws, but also coordinating with international stakeholders to ensure that this right is applied consistently across jurisdictions. Harmonisation of regulations at the global level is needed to avoid uncertainty of punishment for companies operating in different countries (European Union Agency for Fundamental Rights, n.d.).

On the technical side, the implementation of the right to be forgotten requires advanced technology that is capable of identifying and deleting specific data without affecting the integrity of the data as a whole. Search engines and social media need to develop better tools to navigate between data deletion and the storage of data that is still relevant. This includes the use of algorithms to detect data that meets the deletion criteria while avoiding the deletion of important or useful data (Wang, 2022).

Individuals who have the right to be forgotten may experience immediate positive effects in their personal and professional lives. When adverse or irrelevant information is deleted, they have a better chance of starting over or repairing their reputation. This is especially important in cases where published information can create inaccurate negative biases about a person's abilities or character (Liu, 2023).

However, enforcing these rights is often complicated and challenging. Search engines and digital platforms must develop standard procedures to handle removal requests efficiently and fairly. They must also be able to distinguish between legitimate and illegitimate requests and respond within a reasonable time frame. Without clear and standardised procedures, there is a risk for companies that unfulfilled requests could result in fines or other legal sanctions (Ambrose & Ausloos, 2016).

Thus, technological progress and increased awareness of the importance of privacy protection underline the need for the right to be forgotten. The implications of its application in the connected information age are wide-ranging and diverse, spanning legal, economic, technical, and social aspects. To create a balance between privacy protection and information access, cross-sectoral and international cooperation is needed. A holistic approach that takes all these factors into account will be key to realising a safer and more ethical digital future.

Conclusion

In the connected digital age, the concept of the 'Right to be Forgotten' has become an important issue in the debate about privacy and personal data protection. This right emphasises the importance of giving individuals more control over their personal information circulating on the internet. Thus, they can request the removal of irrelevant, outdated, or misleading data from online search results, thus protecting their reputation and private life.

However, the implementation of this right is not simple; there are complex legal challenges, especially in balancing individual rights to privacy and public rights to information. Due to the high dependence on electronic information, it is important for policy makers to consider concerns about censorship and restrictions on freedom of expression. Effective implementation requires a clear legal framework, with limitations and exceptions that must be carefully considered.

Overall, while the implementation of the 'Right to Be Forgotten' can provide significant benefits in protecting individual privacy rights, a careful and balanced approach is needed to ensure that this right does not conflict with the basic principles of transparency and access to information. Technology continues to evolve, and so too must the law be able to adapt to maintain a balance between individual privacy and freedom of information.

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